P.I. No. 689/06
Presented by Shri Ved Vinay Pandey
dated 10/2/06

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 706 /2006 Single Bench

PETITIONER : Alka Shukla,
D/o Shri B. P. Shukla,
Aged about 39 years,
Working as Assistant Professor Hindi
(removed) at Nagrik Kalyan
Mahavidyalaya, Nandni Nagar, Durg,
R/o 16/8/A- Nandini Nagar, Durg.

-Versus-

RESPONDENTS : 1. State of Chhattisgarh,
Through Secretary, Higher Education
Department, Mantralaya, D. K. S.
Bhawan, Raipur (C.G.).
2. Pt. Ravi Shankar University,
Through its Registrar, Raipur (C.G.).
3. Nagrik Kalyan Mahavidyalaya,
Through its Chairman, Nandini Nagar,
Durg (C.G.).
4. Principal (Incharge),
Nagrik Kalyan Mahavidyalaya,
Nandini Nagar, Durg (C.G.).

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6/11/06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC.OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... WP 706/06 ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13-2-2006

Shri Prashant Jayaswal, Sr. Advocate, with Shri Ali Asgar, counsel for the petitioner.

Shri Vivek Sharma, Panel Lawyer, for the State.

Extra copy of the petition with annexures be supplied to the State counsel.

Application for urgent hearing is allowed.

Heard.

By this petition, the petitioner challenges her removal from service dated 24/12/2005 (Annexure-P/7).

The petitioner's case is that she was appointed as Assistant Professor on 16/8/1994. Although the appointment order has not been filed but the experience certificate (Annexure-P/1) has been filed. The posts of Assistant Professors were advertised as per Annexures-P/4 and P/5 and the petitioner also appeared in the interview held on 29/10/2005 (Annexure-P/6). She has not been selected.

Learned Sr. Counsel appearing for the petitioner submits that prior to appearing in the interview, the petitioner submitted a representation (Annexure-P/8) before the Kuladhipati raising her grievances but the same has not been decided so far.

On perusal of the record, it is noted that against the order dated 24/12/2005 the petitioner has not submitted any representation before the Kuladhipati raising her grievances, whereas the provisions of Section 55 of the Vishwavidhyalaya Adhiniyam stipulate that any dispute as to constitution of University authorities and bodies shall be referred to the Kuladhipati whose decision thereon shall be final.

(पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 706/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Section 55 of the Vishwavidhyalaya Adhiniyam is pertinent and is quoted below:

> *"55. Disputes as to constitution of University authorities and bodies- If any question arises regarding the interpretation of any provisions of this Act or of any Statutes, Ordinance or Regulation or as to whether any person has been duly elected, appointed as or is entitled to be, a member of any authority, or other body of the University, the matter shall be referred to the Kuladhipati whose decision thereon shall be final:*
> *Provided that before taking any such decision the Kuladhipati himself or any officer nominated by him, shall give the person or persons affected thereby a reasonable opportunity of being heard."*

Having considered and without expressing any opinion on the merits of the case, the petitioner, if so desired, may make a representation raising her grievances within fifteen days from today before the Kuladhipati alongwith a copy of this order and the petition and on such representation being filed, the same may be considered and decided on its own merits in accordance with law.

With the aforesaid observations, this petition stands disposed of.

Consequently, M.W.P. No. 535/2006 also stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

H/-

23.2.06

[पीछे देखिये